

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

17

Hlatzer

-v-

Barone, et al

U.S.C.A. #

U.S.D.C. #

JUDGE:

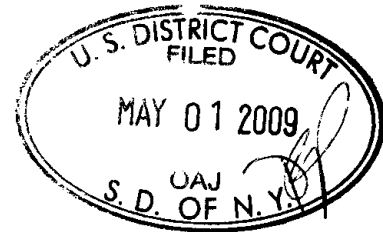
DATE:

09-cv-0650

VM

MAY 01, 2009

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
 FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
 ADDRESS: 500 PEARL STREET, ROOM 370
NEW YORK, NEW YORK 10007
 PHONE NO.: (212) 805 - 0636

DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

** ONLY CIRCLED DOCUMENTS ARE INCLUDED **

** ALL OTHERS MISSING AT THIS TIME **

(☒) Original Record(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 1ST Day of May, 2009.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Glatzer

-v-

Berone et al

U.S.C.A. # _____

U.S.D.C. # *09-cv-0650*

JUDGE: *VM*

DATE: *MAY 01, 2009*

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through _____, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
_____	BALANCE OF FILE MISSING AT THIS TIME
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 1ST Day of May In this year of our Lord, Two Thousand and Nine, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By  _____
Deputy Clerk

APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-00650-VM
Internal Use Only

Glatzer v. Barone et al
Assigned to: Judge Victor Marrero
Cause: 42:1983 Civil Rights Act

Date Filed: 01/22/2009
Date Terminated: 03/30/2009
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Date Filed	#	Docket Text
01/22/2009	<u>1</u>	COMPLAINT against John A. Barone, Larry S. Schachner, Jonathan Lippman. (Filing Fee \$ 350.00, Receipt Number 676055) Document filed by Bernard H. Glatzer.(ama) (Entered: 01/28/2009)
01/22/2009		SUMMONS ISSUED as to John A. Barone, Larry S. Schachner, Jonathan Lippman. (ama) (Entered: 01/28/2009)
01/22/2009		CASE REFERRED TO Judge Kimba M. Wood as possibly similar to 1:05-cv-10113. (ama) (Entered: 01/28/2009)
01/23/2009	<u>3</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. John A. Barone served on 1/23/2009, answer due 2/13/2009. Service was accepted by Atty Jonathan Jacobs. Document filed by Bernard H. Glatzer. (djc) (Entered: 02/20/2009)
02/03/2009		CASE DECLINED AS NOT SIMILAR. Case referred as similar to 05-cv-10113 and declined by Judge Kimba M. Wood and returned to wheel for assignment. (rdz) (Entered: 02/06/2009)
02/03/2009	<u>2</u>	NOTICE OF CASE ASSIGNMENT to Judge Victor Marrero. (rdz) (Entered: 02/06/2009)
02/03/2009		Magistrate Judge Theodore H. Katz is so designated. (rdz) (Entered: 02/06/2009)
02/09/2009		Mailed notice ASSIGNMENT to the attorney(s) of record. (rdz) (Entered: 02/09/2009)
02/18/2009	4	SUMMONS RETURNED EXECUTED Summons and Complaint served. Jonathan Lippman served on 1/26/2009, answer due 2/17/2009. Service was accepted by personally upon Motions Clerk Ron Uzenski for immediate delivery to Deputy Clerk David Spokoni of the Appellate division First Dept. Document filed by Bernard H. Glatzer. (djc) (Entered: 02/20/2009)
02/18/2009	5	SUMMONS RETURNED EXECUTED Summons and Complaint served. Larry S. Schachner served on 1/28/2009, answer due 2/17/2009. Service was accepted by Chief Clerk Tracy Pardo of the Bronx County State Supreme Court. Document filed by Bernard H. Glatzer. (djc) (Entered: 02/20/2009)
02/26/2009	<u>6</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Anthony Tomari dated 2/23/09 re: Request for a pre-motion conference in anticipation of a motion to vacate the Clerk's Certificate of Default. ENDORSEMENT: Request GRANTED. A status conference is scheduled for 3/13/09 at 1:45 pm to address the matter described above by defendants. (Status Conference set for 3/13/2009 at 01:45 PM before Judge Victor Marrero.) (Signed by Judge Victor Marrero on 2/25/09) (cd) (Entered: 02/26/2009)
03/09/2009	<u>7</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Bernard H. Glatzer dated 3/9/09 re: Plaintiff Bernard H. Glatzer ("Glatzer"), Pro Se, respectfully requests the court's permission to supplement his Feb. 25, 2009 letter, pursuant to his then incomplete copy of Your Honor's Individual Practices sent to him by the clerk's office. ENDORSEMENT: requests Granted. A status conference herein is scheduled for 3/20/2009 at 4:00 to address the matter described above by plaintiffs. The Court will hear argument on defendant's motion to dismiss. PM before Judge Victor Marrero.) (Signed by Judge Victor Marrero on 3/9/09) (pl) (Entered: 03/10/2009)
03/12/2009	8	AFFIDAVIT of Bernard H. Glatzer in Support of Application for Certificate of Default. Document filed by Bernard H. Glatzer. (djc) (Entered: 03/12/2009)
03/16/2009	<u>9</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Bernard H. Glatzer dated 3/15/2009 re: Plaintiff respectfully requests that the rescheduled pre-motion conference also include: plaintiff's proposed motion for a preliminary injunction under Fed.R.Civ. Proc. 65 to effectively stay defendant Justices Barone's and Schachner's orders including any appeals thereof, as previously requested in the complaint's third prayer for relief. ENDORSEMENT: Plaintiff's request for issuance of judgment by default in this matter is DENIED. The remaining matters may be addressed at the conference with the Court now rescheduled for 3/20/09 at 4:00 p.m. So Ordered. (Signed by Judge Victor Marrero on 3/16/2009) (jfe) (Entered: 03/16/2009)
03/20/2009		Minute Entry for proceedings held before Judge Victor Marrero: Status Conference held on 3/20/2009. Upon the defendant's motion, the Court dismissed the action. (mro) (Entered: 03/26/2009)
03/30/2009	<u>10</u>	ORDER: It is hereby ordered that the motion of defendants to dismiss the complaint of plaintiff Bernard Glatzer on the grounds set forth in their letter to the Court dated February 23, 2009 (Docket No.6) is GRANTED. The Clerk of Court is directed to withdraw any pending motions and to close this case. (Signed by Judge Victor Marrero on 3/30/2009) (jpo) (Entered: 03/30/2009)
03/30/2009		Transmission to Judgments and Orders Clerk. Transmitted re: <u>10</u> Order, to the Judgments and Orders Clerk. (jpo) (Entered: 03/30/2009)
03/30/2009	<u>11</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated March 30, 2009, defendants' motion to dismiss the complaint is granted; accordingly, the case is closed and any pending motions are withdrawn. (Signed by J. Michael McMahon, clerk on 3/30/09) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 03/30/2009)
04/07/2009		Mailed notice of Right to Appeal to Pro Se Litigant(s): Bernard H. Glatzer. (jab) (Entered: 04/07/2009)
04/07/2009	<u>12</u>	ENDORSED LETTER: addressed to Judge Victor Marrero from Bernard H. Glatzer dated 4/7/09. re: Plaintiff Bernard H. Glatzer (Glatzer), Pro Se, respectfully responds to defendants' attorney's ("Tomari) Feb. 23, 2009 letter to Your Honor, a copy of which Glatzer received today. The letter's paragraph 2 is erroneous in its description of the factual events which resulted in Glatzer's filing of the

		Clerk's Certificate of Default on Feb 20, 2009 with the Orders and Judgments Clerk, who issued the Clerk's Certificate of Default the same day. All other provisions as set forth in this order. ENDORSEMENT: The Clerk of the Court is directed to file this letter in the public record of this action. So Ordered. (Signed by Judge Victor Marrero on 4/7/09) (js) Modified on 4/20/2009 (ae). (Entered: 04/07/2009)
04/07/2009	14	ENDORSED LETTER addressed to Judge Victor Marrero from Anthony J. Tomari dated 3/13/09 re: Counsel for defendants the Honorable John A. Barone; Larry S. Schachner; and Jonathan Lippman submit this supplemental pre-motion letter in response to plaintiff's letter of 3/9/09. ENDORSEMENT: The Clerk of Court is directed to file this letter in the public record of this action. (Signed by Judge Victor Marrero on 4/7/09) (tro) (Entered: 04/22/2009)
04/13/2009	13	ENDORSED LETTER addressed to Judge Victor Marrero from Bernard Glatzer dated 3/26/09 re: The Court's refusal to allow an appropriate briefing schedule on the foregoing interrelated motions. ENDORSEMENT: The Court stated at the 3/20/09 conference that it would not consider defendants' 3/13/09 letter in view of plaintiff's denial of its receipt. In its memo-endorsed Order dated 3/15/09 the Court specifically denied plaintiff's request for entry of a default judgment, which presumes that the certificate of default was vacated. The Court indicated that all other matters would be heard at the 3/20/09 proceeding. (Signed by Judge Victor Marrero on 4/10/09) (cd) (Entered: 04/13/2009)
04/17/2009	15	NOTICE OF APPEAL from 11 Clerk's Judgment, 10 Order. Document filed by Bernard H. Glatzer. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 05/01/2009)
04/17/2009		Appeal Remark as to 15 Notice of Appeal filed by Bernard H. Glatzer. \$455.00 APPEAL FEE DUE. (tp) (Entered: 05/01/2009)
05/01/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 15 Notice of Appeal. (tp) (Entered: 05/01/2009)
05/01/2009		Transmission of Notice of Appeal to the District Judge re: 15 Notice of Appeal. (tp) (Entered: 05/01/2009)